**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

**TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928**

**Crl.Rev.Pet.No. 661 of 1998**
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**CRA.160/1992 of SESSIONS COURT, PALAKKAD**
**SC.72/1990 of ASSISTANT SESSIONS COURT, OTTAPPALAM**
**.....**

**REVN. PETITIONER:**
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**1. SANKARAN, S/O. RAMAN, KALITHODI HOUSE,**
**HARIJAN COLONY**
**KALLIPADOM, SHORANUR - 2.**

**2. KUNHAN, S/O. RAMAN,, KALLITHODI HOUSE,**
**KUTTIKKAD COLONY, SHORANUR - 2.**

**3. RAMACHANDRAN, S/O. ERAKI, KALLITHODI HOUSE,**
**KULAPPULLY, SHORANUR - 2.**

**4. CHANDU ALIASS CHAMY, S/O MUNDAN**
**KARIYATHIL HOUSE, KOTHAYOOR,**
**VANIYAMKULAM.**

**BY ADV. SRI.C.S.MANU**
**SRI.R.SREEHARI**

**RESPONDENTS:**
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**THE STATE REPRESENTED BY THE PUBLIC PROSECUTOR.**

**BY PUBLIC PROSECUTOR MR. BREEZE M.S.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ORDER ON CRL.M.P.NO. 3440 OF 1998 IN CRL.R.P.NO. 661 OF 1998**

**DISM ISSED.**

**13-3-2007 SD/-K.R.UDAYABHANU, JUDGE**

**TRUE COPY**

**P.S.TO JUDGE**

**K.R. UDAYABHANU, J.**

**CRL.R.P.NO.661 of 1998**

**DATED THIS THE 13th day of March 2007**

**ORDER**

The revision petitioners four in number stands convicted for the offence under Sections 143,147,148, 450, 324 and 326 read with Section 149 of the Indian Penal Code and sentenced as modified by the appellate court as follows:

2. They have been sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/- each for the offence under Section 326 read with Section 149 IPC. They have also been sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.2,000/- each for the offence under Section 324 read with Section 149 I.P.C. and rigorous imprisonment for one year each for the offence under Section 450 I.P.C. No separate sentence was imposed for the offence under Sections 143,147 and 148. Substantive sentences are to run concurrently.

3. The prosecution case is that on 12-4-1990 at 11 p.m. the accused trespassed into the dwelling house of PW1 and

attacked PW1 and other inmates with deadly weapons.

4. The evidence adduced in the matter consisted of the testimony of PWs.1. to 29 and Exts. P1 to P31 and Mos.1 to 36. The defence got marked the contradictory portions of the C.D. statements of the prosecution witnesses as Ext.D1 to D6(a).

5. On a consideration of the evidence adduced in the matter, I find that the order of the Sessions Judge do not call for any interference. PWs.1 to 6, the injured and PW7, the neighbour have testified with respect to the incident. No material contradictions or omissions on the previous statements of the above witnesses have been brought out. The injury sustained included fracture on Pw.1 and injuries on Pws.3,4 and 5, the inmates of the house.

6. Counsel for the revision petitioner has sought for leniency so far as the sentence is concerned pointing out that the accused were facing criminal prosecution and impending

imprisonment for more than 1 ½ decades. It is also pointed out that the accused and the injured are nearby residents of a harijan colony. It was also submitted that the accused have undergone pre-trial detention for a period of 33 days. Taking into consideration of the above aspects, the sentence is modified to the imprisonment already undergone and to pay fine amounts for the offence under Section 326 read with Section 149 I.P.C. as follows:

7. Accused No.1 shall pay a a fine of Rs.20,000/- and in default he shall undergo rigorous imprisonment for a period of six months; accused No.2 shall pay a fine of Rs.10,000/- and in default he shall undergo rigorous imprisonment for a period of four months; accused No.3 shall pay a fine of R.10,000/- and in default he shall undergo rigorous imprisonment for a period of four months and accused No.4 shall pay a fine of Rs.10,000/- and in default he shall undergo rigorous imprisonment for a period of four months. The fine amount, if realized shall be paid to PW1. The revision petitioners are granted four months time from

today onwards to remit the fine amount. Non-bailable warrant is not to be executed till then. The Crl.revision petition is disposed of accordingly.

**K.R.UDAYABHANU, JUDGE**

**ks.**

K.R.UDAYABHANU, J

CRL.R.P.NO.661 OF 1998

ORDER

13-3-2007